

Application No.: 10/727,287

8

Docket No.: 480062001800

REMARKS

The Office Action dated September 22, 2005 has been reviewed and the Examiner's comments considered. Claims 1-24 are pending in this application. Claims 9-12, 14-15 and 17-18 have been withdrawn from consideration. Applicant notes with appreciation the Examiner's indication that independent claims 1, 13, 16 and 21 are generic claims. The specification and claim 24 have been amended to correct the informalities pointed out by the Examiner. Applicant submits that no new matter or issues have been introduced.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 8, 13, 16 and 19-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 5,562,618 to Cai et al. Applicant respectfully traverses the rejection of these claims.

Independent claim 1 recites, *inter alia*, "a marking for providing guidance to a user for placement of a catheter over said port stem, wherein said marking is located on said port stem between a distal end of said port stem and a proximal end of said port stem."

The Examiner states in the Office Action, p. 3, that Cai et al. discloses "a marking (100) for providing guidance to a user for placement of a catheter over the port stem (84), wherein the marking (100) is located on the port stem (84) and a proximal end of the port stem, see figures 1, 3 and 8; and wherein the marking (100) is positioned on the port stem (84) such that when the catheter (24) is aligned with the marking [it] is compressed by the locking sleeve (102), the proximal end of the catheter (24) does not abut a housing (22) of the access port (20), (col. 8 line 55 and col. 6 line 60)." However, an examination of the Cai et al. specification in reference to FIGS. 1, 3 and 8 reveals the following:

- The catheter 24 is placed in fluid communication with port 22 by sliding a proximal end 32 of the catheter 24 over outlet tubes 34, 36. (FIG. 5).

oc-304041

Application No.: 10/727,287

9

Docket No.: 480062001800

- The mounting of outlet tubes 34, 36 to housing 38 is facilitated by insert 78. The insert 78 is slid around outlet tubes 34, 36 after the tubes have been properly inserted into the positions shown into housing 38. (col. 6:13-25, FIG. 3).
- Insert 78 has a first end 80 that fits into a central bore 58 and a second end 82 that protrudes from housing 38. The second end 82 meets the first end at a shoulder 84 that engages an edge of the housing 38. (col. 6:25-31, FIG. 3). Insert 78 includes "two bayonets or pins 100 on opposite sides of a cylindrical outer surface 85." (col. 6:47-49, FIG. 3).
- Lock ring 120 includes two slots 126, 127 which cooperate with bayonets 100 of insert 78 to mount lock ring 120 on insert 78 (col. 7:51-53, FIG. 3)

Thus, Cai et al. does not show or describe at least "a marking for providing guidance to a user for placement of a catheter over said port stem, wherein said marking is located on said port stem between a distal end of said port stem and a proximal end of said port stem." This is due to the fact that there is no showing or description in Cai et al. of a marking for providing guidance to a user for placement of a catheter over a port stem. Cai et al., as shown through the citations referenced above, describes a port stem with bayonets used to mount a lock ring. The catheter in Cai et al. is not placed over the port stem, and instead, is placed over outlet tubes. Even if the outlet tubes were to be construed as a port stem, there is no showing or description of a marking on the outlet tubes for providing guidance to a user for placement thereover.

Therefore, in view of the above, Applicant respectfully submits that Cai et al. does not anticipate claim 1 and claim 1 is patentable in view thereof. Claim 8 is also patentable in view of Cai et al. because this claims depends from claim 1, and also recites other features not shown or described in the relied-upon prior art.

oc-304041

Application No.: 10/727,287

10

Docket No.: 480062001800

Independent claim 13 recites, *inter alia*, “a marking positioned on an outer surface of said outlet stem, wherein said marking is located between said proximal end and said distal end of said outlet stem, and wherein said marking is configured to provide a visual reference for the placement of said catheter.”

The Examiner states in the Office Action, p. 3, that Cai et al. discloses “a marking (100) positioned on an outer surface of the outlet stem (84), wherein the marking (100) is located between the proximal end and distal end of the outlet stem (84), and wherein the marking (84) is configured to provide a visual reference for the placement of a catheter, see figures 1, 3 and 8.” However, as shown through the citations referenced above, the bayonets 100 of Cai et al. are not markings “configured to provide a visual reference for the placement of a catheter.” Instead, the bayonets are used to mount lock ring 120 on insert 78. As discussed above, the catheter of Cai et al. is placed over outlet tubes 34, 36, not insert 78 (which Applicant believes is the intended reference numeral for the outlet stem cited by the Examiner, rather than shoulder 84). Even if the outlet tubes were construed as an outlet stem, they do not contain markings at all, much less markings configured as claimed.

Therefore, in view of the above, Applicant respectfully submits that Cai et al. does not anticipate claim 13 and claim 13 is patentable in view thereof.

Independent claim 16 recites, *inter alia*, “providing a marking on said outlet stem for guiding a user on placement of a catheter over said stem, wherein said marking is located between said proximal end and said distal end of said outlet stem.”

The Examiner states in the Office Action, p. 4, that Cai et al. discloses “a marking (100) on the outlet stem (84), wherein the marking (100) is located between the proximal end and distal end of the outlet stem (84).” However, as shown through the citations referenced above, the bayonets 100 of Cai et al. are not markings “for guiding a user on placement of a catheter over said outlet stem.” As such, the recited step of providing a marking as claimed is not shown or disclosed in Cai et al. As discussed, the bayonets are used to mount lock ring 120 on insert 78; the catheter of Cai et al. is placed over outlet tubes 34, 36, rather than insert 78. Even if the outlet tubes were

oc-304041

Application No.: 10/727,287

11

Docket No.: 480062001800

construed as an outlet stem, there is no showing or description in Cai et al. of providing a marking on an outlet stem for guiding a user on placement of a catheter over the stem.

Therefore, in view of the above, Applicant respectfully submits that Cai et al. does not anticipate claim 16 and claim 16 is patentable in view thereof. Claims 19-20 are also patentable in view of Cai et al. because these claims depend from claim 16, and also recite other features not shown or described in the relied-upon prior art.

Independent **claim 21** recites, *inter alia*, “adjusting the position of said catheter on said port stem such that the proximal end of said catheter is aligned with a marking on the port stem, wherein said marking is positioned on the port stem as a visual reference for a securing connection between the catheter and the access port.”

The Examiner states in the Office Action, p. 4, that Cai et al. discloses “a marking (100) on the port stem (84), wherein the marking (100) is positioned on the port stem (84) as a visual reference for a securing connection between the catheter and the access port (20).” However, as shown through the citations referenced above, the bayonet 100 of Cai et al. is not a marking “positioned on the port stem as a visual reference for a securing connection between the catheter and the access port” and, as such, Cai et al. does not show or describe “adjusting the position of said catheter on said port stem such that the proximal end of said catheter is aligned with a marking on the port stem,” as claimed.

Therefore, in view of the above, Applicant respectfully submits that Cai et al. does not anticipate claim 21 and claim 21 is patentable in view thereof. Claims 22-24 are also patentable in view of Cai et al. because these claims depend from claim 21, and also recite other features not shown or described in the relied-upon prior art.

oc-304041

Application No.: 10/727,287

12

Docket No.: 480062001800

Claim Rejections - 35 U.S.C. § 103

Claims 2-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cai et al. Applicant respectfully traverses the rejection of these claims.

In view of the above, Applicant respectfully submits that Cai et al. does not show or describe each and every feature of independent claim 1 and because the rejected claims are dependant on patentable independent claim 1, as discussed above, claims 2-7 are also patentable.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480062001800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 18, 2006

Respectfully submitted,

By 

Todd W. Wight

Registration No.: 45,218

MORRISON & FOERSTER LLP

19900 MacArthur Boulevard

Irvine, California 92612-2445

(949) 251-7189

oc-304041